

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Monday, the 30th day of September, 1878.

NOTICES RELATING TO ORDERS OF THE DAY.

TIMARU HARBOUR ENDOWMENT BILL.

Mr. TURNBULL to move That clauses 3 and 4 be struck out, and the following new clause be inserted in lieu thereof:—

3. Upon the coming into operation of this Act, the land described in the Schedule hereto shall, without any conveyance or assurance, vest in the Board for an estate in fee-simple.

SCHEDULE.

DEBTORS AND CREDITORS ACT AMENDMENT BILL.

Hon. Mr. STOUT to move the insertion of the following additional sections:—

4. Section fifty-one of the said Act is repealed, and in lieu thereof the following provisions shall be in force:—

The Court may, if good cause be shown, make an order removing the trustee of any debtor's estate, and may appoint another trustee in his place, upon such terms in all respects as the Court may think proper, and the proceedings to obtain such order shall be the same as in the case of any summons to show cause issued by the Court.

The term "trustee" includes any trustee or inspector of a deed of arrangement filed pursuant to section one hundred and twenty-eight of the said Act, and the powers hereby given may be exercised notwithstanding such deed contains or has implied therein provisions for removing and appointing trustees; and the Court shall not be bound by such provisions, so far as relates to the removal or appointment of trustees.

5. No debtor or other person who is summoned or examined by the Court, or by the trustee, under any of the powers given by the said Act, shall be excused from answering any question on the ground that the answer may criminate, or tend to criminate, such debtor or person.

No statement made by any debtor or person in answer to any question put by or before such Court or trustee shall, in civil or criminal proceedings, be admissible in evidence against any person, except that in civil proceedings against the debtor or other person examined as aforesaid such statement shall be admissible.

6. A secured creditor, unless he has realized his security, shall, previously to being allowed to prove or vote, state in his proof the particulars of his security, and the value at which he assesses the same, and he shall be deemed to be a creditor only in respect of the balance due to him after deducting such assessed value of the security.

The secured creditor so proving shall be bound to pay over to the trustee the amount which his security shall produce beyond the amount of the assessed value, and the trustee shall be entitled, at any time before realization of such security by the creditor, to redeem the same upon payment of such assessed value. The proof of any such creditor shall not be increased in the event of the security realizing a less sum than the value at which he has so assessed the same.

7. In the fourth subsection of clause twenty-nine of the Act the following words shall be omitted—that is to say, "Provided that the debtor has been called upon to satisfy such judgment, decree, or order, by the officer or other person charged with the execution thereof, and has failed to do so." And in the same subsection the word "further" shall be omitted.

8. Any matter (except the public examination of a debtor and the granting of an order of discharge) may be heard and disposed

of by a Judge in Chambers on summons; but if the Judge shall be of opinion that any matter ought to be heard and disposed of in open Court, or if all the contending parties shall require any matter to be so heard and disposed of, such matter shall be so heard and disposed of, and if partly heard shall be adjourned and heard in open Court.

Section 24 of the said Act is amended as follows:—

The debtor shall, within twenty-four hours after the Registrar has appointed the time and place for holding the first meeting of creditors, send notice to each of his creditors of the time and place so appointed. The notice shall either be delivered personally to the creditor or his agent, or sent by post, addressed to such creditor or agent at his or their residence, so far as the same is known to the debtor. The debtor shall, before such first meeting is held, file in the Court an affidavit that he has complied with this provision.

Mr. TOLE to move the following new clause:—

No debtor shall be deemed to be protected by the provisions of the twenty-fifth and twenty-sixth sections of the said Act unless he shall file the statement described in the twenty-seventh section of the said Act, at the time and in the manner therein expressed, and shall otherwise comply with the requirements of the said Act.

CUSTOMS TARIFF BILL.

Mr. SHRIMSKI, in Committee on the Bill amending the Tariff, to move, That the duty on Colonial manufactured Beer be raised to threepence per gallon, instead of three halfpence.

Mr. RICHMOND to move, That the import duty of ninepence on the one hundred pounds of grain, and one shilling on the one hundred pounds of flour, be retained.

BRIBERY BILL.

Mr. BARTON to move the following amendments:—

In clause 62, line 7, read thus: “by the unsuccessful party to the petition;” and strike out, after the word “petition,” the words “in such manner and in such proportions as the Court or Judge may determine.”

The following amendment in clause 63, line 16:—“The costs payable between party and party shall be in every case the sum of pounds and no more, for professional or general costs; and there shall be added thereto the expenses properly payable to the necessary witnesses called to prove the case of the successful party; such expenses of witnesses to be taxed by the Registrar of the Supreme Court and allowed by him, in such manner and upon the same scale, and subject to review in the same manner as the expenses of witnesses are usually taxed and allowed in an action in the Supreme Court.”

And strike out the words in lines 16, 17, and 18, beginning with the words “may be taxed,” and ending with the words “in the Supreme Court.”

To add the following new clause:—

63a. It shall be lawful for any attorney or solicitor to agree with his own client (whether petitioner or respondent) to take in payment from such client a lump sum for his services as such attorney or solicitor, and also for counsel's fees, any law or practice heretofore to the contrary notwithstanding. And in case no such agreement in writing, signed by both parties, shall be made or entered into, then such costs between attorney and client, in payment for such services, shall be the sum of _____ pounds, and no more.

LAND-TAX BILL.

Mr. MURRAY to move,—

In clause 6, to omit the second, third, fourth, and the fifth line down to and including the word “and,” and to omit “accordingly” in the last line.

In clause 7, before the words “a public library,” to insert “or held in trust as an endowment for.”

In clause 49, to omit all the words in the first line before “tenant,” and insert the word “Every.” To omit all the words beginning “any tenant” in the second line, and ending “landlord” in the third line.

To insert, after “landlord” in the fifth line, the following words

“less *two* per cent. of the amount so paid by him multiplied by the number of years unexpired of his lease.”

Dr. HODGKINSON to move, That all the words in the latter part of clause 3, after the words “This Act,” be omitted.

Mr. SAUNDERS to move,—

In clause 3, strike out all the words in last four lines.

In clause 4, strike out all the words in lines 49, 50, 51, and 52, and at end of the clause add the words “and *one-half* of such value shall be taken for the purposes of taxation under this Act.”

Mr. WHITAKER to move the following new clauses :—

All money to be raised under this Act shall be set apart as a fund to be applied towards the payment of interest on the loans heretofore raised or to be hereafter raised for Immigration and Public Works.

All rates to be hereafter levied by any local body as defined by the second section of “The Rating Act, 1876,” shall be levied on the valuations to be made under this Act, instead of on the valuations authorized to be made under “The Rating Act, 1876.”

COMPANIES INCOME DUTY BILL.

Mr. PYKE to move the following amendments :—

In clause 2, line 6, after the word “operation,” to insert the words “other than gold-mining.”

In clause 2, lines 7 and 8, to omit the words “or incorporated or registered under ‘The Mining Companies Act, 1872.’”

WHAKATANE GRANTS VALIDATION BILL.

Hon. Mr. SHEEHAN to move the following new clauses :—

3. The land comprised in the said several Crown grants shall be deemed to be land contracted to be alienated by the Crown in fee prior to the day on which such land was included in the Land Registrar’s District under “The Land Transfer Act, 1870,” and such grants shall be registered in the Register Office of the Registration District, under “The Deeds Registration Act, 1868,” within which the granted land is situated.

4. It shall be lawful for the Secretary for Crown Lands to indorse on any such grant a memorandum under his hand that the legal estate in the granted land shall be deemed to have been in the grantees on and from such date as the Secretary for Crown Lands may deem advisable, and such memorandum shall have the same effect as the insertion of the antevesting date in the habendum of a grant under “The Crown Grants Act, 1866.”

CEMETERIES MANAGEMENT AMENDMENT BILL.

Hon. Mr. SHEEHAN to move the following new clauses :—

8. Where the Council of any county or borough shall have acquired, by gift, purchase, or otherwise in any manner, any lands not being within the limits of any borough, for the purposes of a public cemetery, such Council may, by public notification, three times repeated in some newspaper having general circulation in the county wherein the said lands are situated, declare the same to be dedicated and open as a public cemetery; and thereafter the said lands shall be used for such cemetery purposes only.

9. The provisions of “The Cemeteries Management Act, 1877,” shall apply to every cemetery dedicated as aforesaid, in the same manner as they apply to public cemeteries set apart by the Governor out of Crown lands; and all provisions, covenants, conditions, or stipulations contained in any deed of gift or other instrument of transfer or dedication of lands for the purpose of such cemetery which are inconsistent with or repugnant to the provisions of the Act last aforesaid shall cease to be operative in respect to such lands.

10. The provisions of the thirty-ninth section of “The Cemeteries Management Act, 1877,” shall apply in respect to cemeteries established or to be established subsequent to the passing of the said Act, as well as to cemeteries theretofore established.

Private and other lands may be dedicated for public cemeteries.

Act of 1877 to apply.

Section 39 of Act of 1877 amended.

SPECIAL POWERS AND CONTRACTS.

Mr. STOUT to move the insertion of the following, in lieu of clause 4 in the Schedule :—

REASONS FOR REQUIRING LEGISLATION.

Auckland—

4. The persons named are Waiuku Volunteers. They exercised their Volunteer scrip in the purchase of land in the Awaroa Block; but, owing to Native difficulties, could acquire no title to the land, and the scrip became valueless.

PURPOSE OF LEGISLATION.

4. To authorize the Governor to issue Volunteer scrip to the undermentioned persons to the amount set opposite the name of each, viz.,—

Name.	Totals.		
	£	s.	d.
Frederick Maundrell Alexander ...	45	0	0
John Thomas Mellsop ...	40	0	0
Arthur Wellesley Manning... ..	36	10	0
Samuel Barriball	41	10	0
Edward Constable	25	0	0
Charles Thomas Barriball	40	10	0
John Barriball	41	10	0
Jane Hedge (widow of John Hedge)...	40	2	0
H. Udy	40	2	0
Allen Wheeler	43	10	0
Heywood Crispe	35	0	0
George Cox	39	19	6
James Mellsop	44	19	0

The scrip to be exercised in the purchase of Crown lands in the Provincial District of Auckland, and to be exercised within twelve months from this Act coming into operation.

Also, to move the following new clauses in the Schedule to the Bill :—

In consequence of doubts as to the validity of the authority conferred on the Governor by the 29th section of "The Waste Lands Administration Act, 1876."

John Broomhall, Esq.—To enable the Governor to sell to him, in pursuance of the agreement made with the Auckland Land Board, so much of the land in the Aroha Block as has been acquired from the Natives, or has been awarded to the Crown by the Native Land Court. Grant to be subject to such reserves as may be found to be necessary for Native or other purposes, as defined by the Governor. Also, to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same. The Governor to have the power to reserve in the grant the right of taking all necessary roads not exceeding 100 links wide. The provisions of the 29th section of "The Waste Lands Administration Act, 1876," are to remain in full force with respect to the terms, conditions, and price at which the land so selected may be sold.

Wellington—

For services rendered as a Volunteer Militiaman during 1846–47 at the Hutt, Pahautanui, and Horokiwi Valley, against rebel Natives under Rangiahaeta.

To grant to George Robertson, in fee-simple, 60 acres of land, to be selected by him from any rural land open for sale in the Land District of Wellington. Grant to be subject to "The Crown Grants Act, 1866," and Acts amending the same. The Governor may reserve in the grant a right of road not exceeding 100 links wide.

In satisfaction of all claims outstanding to the Rangitikei-Manawatu Government Purchase Block, and in compensation for destruction of eel-fishing reserve. This claim has been under the consideration of previous Governments, and was finally promised by Mr. Sheehan to the Native named.

Hoani Meihana.—To grant to him in fee-simple 1,450 acres of land in the Himatangi Block. The grant to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same. The Governor may reserve in the grant a right of road not exceeding 100 links wide. The effect of the grant to be an absolute release at law and in equity on the part of the Native named.

TARANAKI—WELLINGTON—

Thomas Melville Brown, a private in the Taranaki Military Settlers, was killed in action on 5th November, 1865. Before going into action the said Thomas Melville Brown left a memorandum in his pocket-book, bequeathing all his effects to his brother John Brown, of 24, Grosvenor Street, Edinburgh. The memorandum in the pocket-book aforesaid not being a legal disposition of the property of the said Thomas Melville Brown, authority is required for the issue of a Crown grant as stated in the second

To grant to John Brown, of 24, Grosvenor Street, Edinburgh, Rural Section No. 168, Okotuku, Wellington Land District, and Town Section No. 107, Kakaramea, Taranaki Land District. The grants to be subject to the provisions of "The Crown Grants Act, 1866," and Acts amending the same.